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2 UNITED STATES DISTRICT COURT  
3 WESTERN DISTRICT OF WASHINGTON  
4 AT SEATTLE

5 UNITED STATES OF AMERICA,

6 Plaintiff(s),

7 v.

8 ROBERT ALAN SOLOWAY,

9 Defendant(s).

NO. CR07-187MJP

ORDER ON GOVERNMENT'S  
MOTION FOR RESTITUTION

10 The above-entitled Court, having received and reviewed:

- 11 1. Government's Motion for Restitution Order (Dkt. No. 98)
- 12 2. Defendant's Response in Opposition to Government's Motion for Restitution Order (Dkt. No.
- 13 100)

14 and all attached exhibits and declarations, makes the following ruling:

15 IT IS ORDERED that the motion is PARTIALLY GRANTED as to those portions of the

16 restitution claims which Defendant does not contest (see below).

17 IT IS FURTHER ORDERED that the contested portions of the motion will be set for a

18 hearing at a date and time to be determined.

19 Uncontested claims

20 The Government has moved the Court for an order of restitution in this matter. The

21 Defendant, without waiving his general objections regarding the propriety of restitution, has indicated

22 that he has no objection to the following claims in the amounts proposed by the Government (Def.

23 Response, pp. 4-5):

<u>Claimant</u>	<u>Status</u>	<u>Amount</u>
Adam, Kevin	Customer	\$233.83
Berney, Janet	Customer	\$298.00
Corlis, Kerry	Customer	\$139.00
Ellis, Jonathan	Customer	\$179.00
Hexter, Matthew	Customer	\$149.00
Hildebrand, David	Spam	\$ 42.00
Hoffman, Alice	Customer	\$308.00
Horton, Jerry	Customer	\$550.00
Lee, John	Customer	\$279.00
Peiffer, Linda	Customer	\$450.00
Schechter, Andi	Spam	\$250.00
Sumrall, Tina	Customer	\$459.00
Torino, John	Spam	\$240.00
Twitty, Paula	Customer	\$175.00
Walls, Kimball	Spam	\$ 25.00
Wigosky, Paul	Customer	\$239.00
Yerrow, Steven	Customer	\$187.00

There is a second category of claims which the Court, by this order, is granting: these are claims where Defendant only contests a portion of the amount requested by the Government. The Court grants the claims to the extent not contested by Defendant, as follows:

<u>Claimant</u>	<u>Status</u>	<u>Amount</u>
Andrews, Barry	Customer	\$150.00
Braham, Marcia	Customer & Spam	\$149.00
Fawcett, Marc	Customer & Spam	\$210.00
Larry, Penelope	Customer & Spam	\$375.00
Livengood, Brett	Customer & Spam	\$219.00
Rhodes, Eric	Customer & Spam	\$499.00
Van Cleve, Edward Jr.	Customer & Spam	\$625.00
Vanci, Eduardo	Customer	\$295.00

#### Contested claims

The remainder of the claims as outlined in the Government's motion must be set for a hearing at which the victims will be permitted to present the facts and reasons for the amounts of restitution which they have requested. Defendant, of course, will have an opportunity to contest those claims.

Defendant has not waived his right to be present at this hearing and must be brought from prison. The Government is further ordered to advise the Court's deputy clerk of the amount of time

1 needed for the hearing and to propose a time for the hearing which will allow sufficient time for  
2 Defendant to be transported from his site of incarceration.

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5 The clerk is directed to provide copies of this order to all counsel of record.

6 Dated: November \_5\_, 2008

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9 Marsha J. Pechman  
U.S. District Judge